

**CITY OF COLD LAKE
BYLAW NO. 814-PL-23
OFF-HIGHWAY VEHICLES**

A BYLAW OF THE CITY OF COLD LAKE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING AND CONTROL OF OFF-HIGHWAY VEHICLES WITHIN THE CITY.

WHEREAS, Council deems it necessary and in the public interest to regulate the use of off-highway vehicles within the City of Cold Lake; and

AND WHEREAS, the *Traffic Safety Act* provides that Council may, by bylaw, authorize or issue a permit authorizing person to drive off-highway vehicles along any portion of the highway that is under the direction, control and management of the municipality;

AND WHEREAS, the *Traffic Safety Act* further provides that a Council may, by bylaw, regulate and control the operation of off-highway vehicles on highways which are subject to the direction, control, and management of the municipality and on property that is not a highway and is located within the municipality;

AND WHEREAS the *Municipal Government Act, RSA 2000, c. M-26* provides that Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and the people, activities and things in, on or near a public place or place that is open to the public;

AND WHEREAS Section 63(2)(a) of *Municipal Government Act, RSA 2000, c. M-26* provides that Council may omit and provide for the repeal of a bylaw or a provision of a bylaw that is inoperative, obsolete, expired, spent or otherwise ineffective, and by Section 191(1) of the *Municipal Government Act* empowers the Council to pass or repeal the bylaw;

NOW THEREFORE, by the authority of the Council of the City of Cold Lake, in the Province of Alberta, Council enacts the Bylaw as follows:

SECTION 1 - TITLE

1. This Bylaw shall be cited as the "Off-Highway Vehicle Bylaw".

SECTION 2 - DEFINITIONS

2. In this Bylaw:

- 2.1 "Act" means the *Traffic Safety Act, Revised Statutes of Alberta 2000 Chapter T-6*, and all its regulations including the *Off-Highway Vehicle Regulation, Alberta Regulation 319/2002*;
- 2.2 "Alley" means a narrow Highway intended chiefly to give access to the rear of buildings and parcels of land and shall include the term lane;
- 2.3 "Boulevard" means that part of a Highway in an urban area that:
 - 2.3.1 Is not a roadway; and
 - 2.3.2 Is that part of the Sidewalk this is not especially adapted to the use of or ordinarily used by pedestrians;
- 2.4 "CAO" means the Chief Administrative Officer of the City of Cold Lake;
- 2.5 "City" means the municipal corporation of the City of Cold Lake, or the geographical area falling within the municipal boundaries of the City of Cold Lake, as the context requires;
- 2.6 "Council" means the Council of the City of Cold Lake;
- 2.7 "Driver" or "Operator" means a person who is driving or is in actual control of a vehicle;

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- 2.8 “Highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, Alley, square, bridge, causeway, trestle-way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
- 2.8.1 A Sidewalk, including a Boulevard adjacent to the Sidewalk;
 - 2.8.2 If a ditch lies adjacent to and parallel with the roadway, the ditch; and
 - 2.8.3 If a Highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway as the case may be.
- 2.9 “Off-Highway Vehicle” or “OHV” means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel:
- 2.9.1 Four (4) wheel drive vehicles;
 - 2.9.2 Low pressure tire vehicles;
 - 2.9.3 Motor cycles and related 2-wheel vehicles;
 - 2.9.4 Amphibious machines;
 - 2.9.5 All-terrain vehicles,
 - 2.9.6 Miniature motor vehicles;
 - 2.9.7 Snow vehicles;
 - 2.9.8 Mini-bikes; and
 - 2.9.9 Any other means of transportation that is propelled by any power other than muscle power or wind,
- but does not include:
- 2.9.10 Motor boats; and
 - 2.9.11 An electric bicycle and an electric scooter; and
 - 2.9.12 Any other vehicle exempted from being an OHV by the regulations under the *Traffic Safety Act R.S.A. 2000, Chapter T-6*; and
- 2.10 “Officer” means a Peace Officer, Bylaw Officer, a member of the RCMP, or any person appointed by the CAO to enforce this Bylaw;
- 2.11 “Owner” means the person who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a vehicle for a period of more than 30 days, or if the context dictates, a duly registered land titleholder;
- 2.12 “Pathway” means a designated Sidewalk, walkway, recreational path, or trail exclusively for the use of pedestrian and non-motorized vehicle traffic;
- 2.13 “Rollover Protective Structures” means a cab or frame that is capable of supporting an OHV in an overturned position, regardless of the direction in which the OHV overturns, and that is installed by the manufacturer;

- 2.14 "Safety Helmet" means a Safety Helmet designed, constructed and sold for use with OHV operation and approved to meet CSA or DOT standards;
- 2.15 "Seat Belt Assembly" means a device or assembly that is securely fastened to the vehicle, is composed of straps, webbing or similar material and includes a pelvic restraint or an upper torso restraint or both, is capable of restraining the movement of a person in order to prevent injury to the person, and is supplied by the manufacturer;
- 2.16 "Service Road" means a road that runs parallel to a main Highway or street and is used to access other Highways, businesses, or residences;
- 2.17 "Service Station" means a full-service fuel station equipped for servicing motor vehicles, as by selling gasoline or making repairs;
- 2.18 "Sidewalk" means that part of the Highway especially adapted to the use of, or ordinarily used by, pedestrians, and includes that part of a Highway between:
- 2.18.1 The curb line; or
- 2.18.2 Where there is no curb line, the edge of the roadway and the adjacent property line, whether or not it is paved or improved.
- 2.19 "Violation Tag, Municipal" means a tag or similar document issued by the City pursuant to the *Municipal Government Act*;
- 2.20 "Violation Ticket, Provincial" means a violation ticket issued in accordance with the *Provincial Offences Procedures Act*.

SECTION 3 - INTERPRETATION

- 3.1 Each provision of this bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction all other provisions of this bylaw remain valid and enforceable.
- 3.2 Nothing in this bylaw relieves a person from complying with the provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
- 3.3 Any heading, subheading or tables of content in this bylaw are included only for convenience, and shall not form part of this bylaw.
- 3.4 Where this bylaw refers to another Act, bylaw regulation or agency, it includes reference to any Act bylaw, regulation or agency that may be substituted therefore.
- 3.5 All Schedules attached to this bylaw shall form part of this bylaw.

SECTION 4 - GENERAL AUTHORITY

4. The Chief Administrative Officer is hereby delegated the authority to:
- 4.1 carry out any inspections to determine compliance with this bylaw;
- 4.2 take any steps or carry out any actions required to enforce this bylaw;
- 4.3 take any steps or carry out any actions required to remedy any contravention of this bylaw;
- 4.4 establish investigation and enforcement procedures with respect to any contravention of this bylaw;
- 4.5 establish forms for the purposes of this bylaw;

- 4.6 issue permits with such terms and conditions as are deemed appropriate;
- 4.7 delegate any powers, duties or functions under this bylaw to an employee of the City.

SECTION 5 - GENERAL REGULATIONS

- 5.1 No person, including any person who is an owner of an OHV, shall
 - 5.1.1 drive an OHV on any portion of a Highway within the City unless they are a holder of a valid Operator/Driver's License or learners permit and are abiding by the rules of that license or permit as per the provisions of the *Traffic Safety Act RSA 200 Chapter T-6*;
 - 5.1.2 permit another person who is not a holder of a valid license or permit as noted in subsection (5.1.1) to drive an OHV on any portion of a Highway within the City, as per the provisions of the *Traffic Safety Act RSA 2000 Chapter T-6*;
 - 5.1.3 operate or permit any other person to operate an OHV on any public property when there is:
 - 5.1.3.1 no subsisting certificate of registration issued to that vehicle; and
 - 5.1.3.2 the license plate is not securely attached to the vehicle and visible to other drivers at all times.
 - 5.1.4 operate an OHV unless the OHV is insured;
 - 5.1.5 operate an OHV in the City unless that OHV has at least one working head light and one working tail light;
 - 5.1.6 operate an OHV unless the OHV is equipped with an exhaust muffler that complies with the following:
 - 5.1.6.1 an exhaust muffler must cool and expel the exhaust gases from the engine without excessive noise and without producing flames and sparks;
 - 5.1.6.2 no person shall drive an OHV if the exhaust outlet of the muffler has been widened;
 - 5.1.6.3 no person shall operate an OHV if a device is attached to the exhaust system or the muffler that increases the noise made by the expulsion of gases from the engine or allows gases in or leaving the exhaust system to be ignited;
 - 5.1.6.4 no person shall drive an OHV if the exhaust muffler is cut out or disconnected from the engine, or has had a baffle plate or other part removed.
 - 5.1.7 tow a trailer, sleigh, cutter or other vehicle behind an OHV unless the hitch or attachment used:
 - 5.1.7.1 is designed so that the vehicle being towed substantially follow in the tracks of the towing vehicle;
 - 5.1.7.2 is of enough strength to safely control the vehicle being towed;
 - 5.1.7.3 does not exceed 1.83 meters in length, and;
 - 5.1.7.4 adequately prevents the towed vehicle from colliding with the towing vehicle in the case of downhill travel or a stop;
 - 5.1.8 operate an OHV with a Seatbelt Assembly, without wearing the Seatbelt Assembly during the operation of the OHV.
- 5.2 No person, including a driver or passenger, shall ride on an OHV within the City unless that person is properly wearing an approved Safety Helmet, subject to the following exceptions where Safety Helmets are not required:

- 5.2.1 if a person driving, operating, riding in or on, or being towed by, an OHV is a worker as defined under the *Occupational Health and Safety Act*, and is not required under the *Occupational Health and Safety Act* or a regulation or code of rules made under that Act to wear a helmet while driving, operating, riding in or on, or being towed by a vehicle that is an OHV;
- 5.2.2 if a person is wearing a seat belt and is driving, operating or riding in the occupant compartment of a motor vehicle that;
 - 5.2.2.1 is not a motorcycle
 - 5.2.2.2 is designed for use on a roadway
 - 5.2.2.3 at the time of its manufacture, met all standards prescribed under the *Motor Vehicle Safety Act* (Canada) and the regulations made under that Act for a motor vehicle, and
 - 5.2.2.4 has seat belt assemblies as defined in Section 80(e) of the *Vehicle Equipment Regulation (AR 122/2009)* that are maintained in compliance with Part 5 of that Regulation;
- 5.2.3 to a person driving, operating, riding in or on, or being towed by an OHV where the person is a bona fide member of the Sikh religion and wears a turban;
- 5.2.4 to a person who is driving, operating or riding in an OHV designed with rollover protective structures where the person is wearing a properly adjusted and securely fastened Seat Belt Assembly;
- 5.3 Subject to the exceptions in section 5.2, where a passenger on an OHV is under the age of fourteen (14) it shall be the responsibility of the driver to ensure they are wearing an approved Safety Helmet.
- 5.4 No person under the age of fourteen (14) shall operate an OHV without having a supervisor, who is at least eighteen (18) years of age, as a lawful passenger on the same OHV, or else, travelling in close proximity.

SECTION 6 - RULES OF THE ROAD

- 6.1 No person shall operate, cause to operate or permit the operation of any OHV on any Highway within the City except for
 - 6.1.1 loading or unloading an OHV from or onto a trailer and into a building or property;
 - 6.1.2 entering and exiting the City via the shortest router possible travelling to and from the operator's place of residence or place of storage;
 - 6.1.3 travelling to and from a Service Station via the shortest route possible;
 - 6.1.4 on designated OHV trails as shown in "Schedule A" of this bylaw;
 - 6.1.5 in the ditch beside a Highway;
 - 6.1.6 where no ditch exists, on the graveled shoulder of a Highway;
 - 6.1.7 to cross a Highway by the shortest and safest route possible;
 - 6.1.8 where no shoulder or ditch exists, on the portion of Highway that is furthest to the right side of the roadway, or nearest to the curb, so as to impede traffic as little as possible; and
 - 6.1.9 whenever possible, designated trails, Alley ways or Service Roads shall be used for travel instead of streets.

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- 6.1.10 to access and/or park at a short-term living accommodation such as a hotel, motel, or bed and breakfast;
- 6.1.11 parking an OHV on a designated OHV trail for no more than 3 consecutive hours, provided there is no obstruction of the trail for other users;
- 6.2 No person shall park or operate an OHV in or on:
 - 6.2.1 a school ground;
 - 6.2.2 a playground;
 - 6.2.3 a parking lot;
 - 6.2.4 on private property without the expressed permission of the owner;
 - 6.2.5 in a City park;
 - 6.2.6 on a public beach, including Kinosoo Beach;
 - 6.2.7 at the Energy Centre;
 - 6.2.8 at Imperial Park;
 - 6.2.9 at any City arena;
 - 6.2.10 on any City property without prior written permission from the CAO;
 - 6.2.11 on a pedestrian Pathway, including the Millennium Trail;
 - 6.2.12 at a commercial establishment that is not a Service Station;
 - 6.2.13 in any cemetery; and
 - 6.2.14 any area where prohibited by sign.
- 6.3 When crossing any Highway, roadway, Sidewalk, or parking lane the operator of an OHV must:
 - 6.3.1 stop the OHV before entering onto the Highway or portion thereof to be crossed;
 - 6.3.2 ensure all passengers disembark from the OHV and any vehicle or thing attached thereto before he commences to cross;
 - 6.3.3 yield to the right of way to all other vehicles and persons on the Highway; and
 - 6.3.4 cross over the Highway or portion thereof to be crossed from the most direct and shortest route of travel available.
- 6.4 No person shall operate an OHV without due care and attention or without reasonable consideration for other persons or property.
- 6.5 No person shall operate an OHV within the City between the hours of 2200 (10:00 p.m.) and 0700 (7:00 a.m.) the next day.
- 6.6 No person shall operate an OHV with more passengers than the vehicle was designed to carry.
- 6.7 No person shall operate an OHV so as to cause loud, unnecessary, or unusual noise which could disturb the peace and safety of the public.

- 6.8 The maximum speed at which an OHV may travel within the City is 30km/h, or less if posted at a reduced speed.
- 6.9 Drivers of OHVs must at all times:
- 6.9.1 obey all traffic control devices;
 - 6.9.2 yield the right of way to other vehicles or pedestrians using the Highway;
 - 6.9.3 ensure that they ride in single file where more than one OHV is travelling in a group.

SECTION 7 - EXEMPTIONS

- 7.1 The provisions of this Bylaw shall not apply to:
- 7.1.1 officers while engaged in their lawful duties;
 - 7.1.2 agents of the City while engaged in work on behalf of the City;
 - 7.1.3 Federal and Provincial law enforcement officers, including Fish and Wildlife Officers and Conservation Officers, while engaged in their lawful duties;
 - 7.1.4 any OHV being operated by the Canadian Department of National Defense; and
 - 7.1.5 The Cold Lake Motocross track.
- 7.2 During an emergency, disaster, or search and rescue operation within the City, the provisions of this Bylaw may be waived, suspended or varied, by the CAO, or their designate.
- 7.3 The Chief Administrative Officer or their designate may grant permission for the operation of OHVs within the City and waive any provisions contained in this Bylaw for a designated time or a special event at a location sanctioned by the City, which includes the Canada Day Parade and the Santa Claus Parade.

SECTION 8 - ENFORCEMENT

- 8.1 An operator of an OHV shall immediately, on being signaled or requested to stop by an Officer, bring his or her vehicle to a stop and furnish any information respecting the driver or the OHV that the Officer requires and shall not start his or her OHV until he or she is permitted to do so by the Officer.
- 8.2 An Officer may impound an OHV that has been involved in a contravention of this Bylaw; and
- 8.3 The OHV may be impounded at the owner's expense from the time of the offence until such time as the charge against the operator has been resolved; however;
- 8.3.1 Such impoundment shall only occur when, in the opinion of the Officer, the offence is serious in nature, and the operator could pose a safety risk to themselves or the public if they are allowed to continue to operate the OHV; or
 - 8.3.2 The operator of the OHV has been involved in a previous contravention of this Bylaw within the same calendar year.

SECTION 9 - OFFENCES AND PENALTIES

- 9.1 Any person or corporation that contravenes this Bylaw is guilty of an offence.

- 9.2 Any person who willfully obstructs an Officer or assault an Officer with the intent to resist or prevent the lawful arrest or detainment of them or another person in the exercise or performance of their duties related to this Bylaw is guilty of an offence.
- 9.3 A person who is guilty of an offence is liable, upon summary conviction, to a fine in an amount not less than that established in Schedule "B" of this Bylaw, and not exceeding Five Thousand (\$5,000.00), and to imprisonment for not more than six months for non-payment of a fine.
- 9.4 The penalty for a second offence shall be double the fine amount as indicated in Schedule "B" of this Bylaw.
- 9.5 The penalty for a third and subsequent offences shall be triple the fine amount as indicated in Schedule "B" of this Bylaw.

SECTION 10 - MUNICIPAL VIOLATION TAGS AND PROVINCIAL VIOLATION TICKETS

- 10.1 A municipal violation tag or provincial violation ticket may be issued in respect to an offence, and the municipal violation tag or provincial violation ticket must specify the fine amount established by this Bylaw for the offence;
- 10.2 The person receiving the municipal violation tag or provincial violation ticket may pay the fine amount on or before the required date, and this person shall not be prosecuted for the offence;
- 10.3 A provincial violation ticket must be paid before the date specified by the ticket;
- 10.4 A municipal violation tag must be paid within thirty (30) days of the date it was issued;
- 10.5 If a municipal violation tag has been issued, a person may, prior to the required date, request that a provincial violation ticket be issued in place of a municipal violation tag to allow that person to attend court with respect to the offence.
- 10.6 If a provincial violation ticket is issued in respect to an offence:
- 10.6.1 The provincial violation ticket may specify the fine amount established by this bylaw for the offence;
- 10.6.2 The provincial violation ticket may require a person to appear in court without the alternative of making a voluntary payment;
- 10.7 If a provincial violation ticket specifies a fine amount, a person may make a voluntary payment equal to the fine amount specified on or before the required date, and this person shall not be prosecuted for the offence; or
- 10.8 If a provincial violation ticket specifies a fine amount, a person or their agent may appear in court on the required date and elect to enter a plea with respect to the offence.

SECTION 11 – BYLAW REPEAL

- 11.1 Bylaw No. 540-PL-14, being an Off-Highway Vehicle Bylaw is hereby repealed.
- 11.2 Bylaw No. 743-PL-22, being an Amendment to Off-Highway Vehicle Bylaw is hereby repealed.

SECTION 12 - ENACTMENT

- 12.1 This bylaw shall come into full force and effect immediately upon the date of its final passing.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 10th day of October, A.D. 2023, on motion by Councillor Lefebvre.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 13th day of February, A.D. 2024, on motion by Councillor Parker, as amended.

CARRIED

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 13th day of February, A.D. 2024, on motion by Councillor Vining.

CARRIED

Executed this 21st day of February, 2024.

CITY OF COLD LAKE

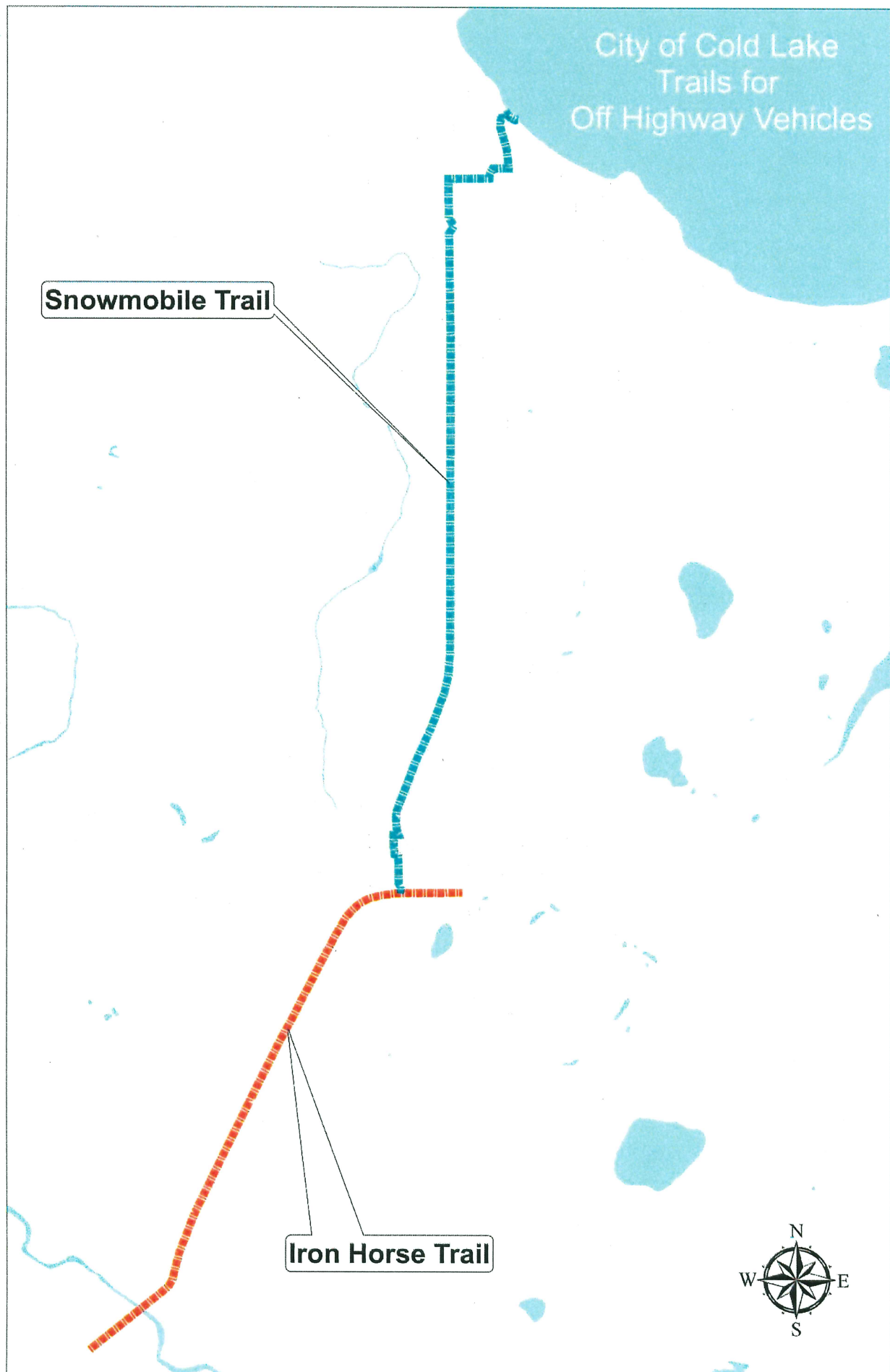
MAYOR

CHIEF ADMINISTRATIVE OFFICER



**CITY OF COLD LAKE
BYLAW NO. 814-PL-23
OFF-HIGHWAY VEHICLES**

SCHEDULE "A"



**CITY OF COLD LAKE
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SCHEDULE "B" – FINES*

Section No.	Description	Fine Amount
5.1	Operator & Vehicle Requirements	\$250
5.2	Safety Helmet Requirements	\$250
5.4	Operator Under 14 Years	\$250
6.1	Improper Highway Operation	\$250
6.2	OHV in prohibited area	\$500
6.3	Improper Crossing	\$250
6.4	Operate without due care and attention	\$250
6.5	Operate OHV between 2200 and 0700 hours	\$250
6.6	Operate OHV with more passengers then allowed	\$250
6.7	Operate OHV causing loud/unnecessary/unusual noise	\$250
6.8	Speeding	\$250
6.9	Safe Operation Requirements	\$250
9.2	Obstruct an Officer	\$500

Second Offence:

Double Fine Amount

Third and subsequent offences:

Triple Fine Amount

*Where listed fines conflict with those set out in the *Traffic Safety Act* or its respective regulations such as the Off-Highway Vehicle Regulations, the fines specified by the act and regulations shall apply.